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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/522,287	01/25/2005	Hubert Sjoerd Blaauw	NL 020702	1506

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
P.O. BOX 3001  
BRIARCLIFF MANOR, NY 10510

EXAMINER
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ROE, JESSEE RANDALL

ART UNIT	PAPER NUMBER
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1793

MAIL DATE	DELIVERY MODE
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03/24/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/522,287	<b>Applicant(s)</b> BLAAUW ET AL.	
	<b>Examiner</b> Jessee Roe	<b>Art Unit</b> 1793	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 January 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 8-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3-4 and 8-12 is/are rejected.
- 7) ☒ Claim(s) 2 and 13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                      |                                                                   |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____                                                          | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114 was filed in this application after appeal to the Board of Patent Appeals and Interferences, but prior to a decision on the appeal. Since this application is eligible for continued examination under 37 CFR 1.114 and the fee set forth in 37 CFR 1.17(e) has been timely paid, the appeal has been withdrawn pursuant to 37 CFR 1.114 and prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 21 January 2009 has been entered.

### ***Status of the Claims***

Claims 1-4 and 8-13 are pending wherein claims 1-2, 4, 10 and 13 are amended and claims 5-7 are canceled.

### ***Status of Previous Objections***

The previous objection to claim 4 for informalities is withdrawn in view of the Applicant's amendment to claim 4.

### ***Status of Previous Rejections***

The previous rejection of claims 2 and 13 under 35 U.S.C. 103(a) as being unpatentable over Perkas (High-Strength Maraging Steels) in view of Laurence et al. (US 5,244,375) is withdrawn in view of the Applicant's amendment to claims 2 and 13.

### ***Specification***

The disclosure is objected to because it does not contain the proper headings according to 37 CFR 1.77(b).

Appropriate correction is required.

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

### **Arrangement of the Specification**

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.
  - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

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***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3-4 and 8-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perkash (High-Strength Maraging Steels) in view of Laurence et al. (US 5,244,375).

In regards to claims 1, Perkash discloses (page 423, paragraph 9 – page 424) maraging stainless steels in the form of forged pieces, rolled sections, thin and thick sheet (plate), strip, and pipe with applications in manufacturing aircraft, rockets, refrigeration, shipbuilding, and tools such as punches and dies. However, Perkash does not specify that the maraging stainless steel would be plasma-nitrided at a temperature below 500°C.

Laurence et al. ('375) discloses plasma ion nitriding iron-based materials by plasma ion nitriding at temperatures substantially below 1000°F (538°C) in order to improve the wear resistance of the iron-based materials (col. 4, lines 1-30 and claims 1 and 5).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the maraging stainless steel, as disclosed by Perkash, in the plasma nitriding process, as disclosed by Laurence et al. ('375), in order to improve the wear resistance of the iron-based material (maraging stainless steel), as

disclosed by Laurence et al. ('375) (col. 4, lines 1-30 and claims 1 and 5).

Still regarding claim 1, because the structure of a "shaver part" is not be limited, the Examiner considers any stainless maraging steel as being capable of being "shaver part" including a die.

In regards to claim 3, Laurence et al. ('375) discloses processing times that would span 20-48 hours (Table A), which would be substantially similar to the processing times of the instant invention. Therefore, precipitation hardening in addition to nitriding would be expected. MPEP 2112.01 I.

In regards to claims 4 and 10, Laurence et al. ('375) discloses that that the plasma ion nitriding would take place at temperatures substantially below 1000°F (538°C) (col. 4, lines 1-30 and claims 1 and 5), which overlaps the range of between 300°C and 375°C as in claim 4 and the range of between 300°C and 380°C as in claim 10. Where principal difference between claimed process and that taught by reference is a temperature difference, it is incumbent upon applicants to establish criticality of that difference. Ex parte Khusid, Bezgodova, and Ruben, 174 USPQ 59 (Bd. Pat. App. & Int. 1971).

In regards to claims 8 and 11, Laurence et al. ('375) discloses that that the plasma ion nitriding would take place at temperatures substantially below 1000°F (538°C) (col. 4, lines 1-30 and claims 1 and 5), which overlaps the range of between 370°C and 380°C. Where principal difference between claimed process and that taught by reference is a temperature difference, it is incumbent upon applicants to establish

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criticality of that difference. Ex parte Khusid, Bezgodova, and Ruben, 174 USPQ 59 (Bd. Pat. App. & Int. 1971).

In regards to claims 9 and 12, Laurence et al. ('375) discloses that that the plasma ion nitriding would take place at temperatures substantially below 1000°F (538°C) (col. 4, lines 1-30 and claims 1 and 5), which overlaps 375°C. Where principal difference between claimed process and that taught by reference is a temperature difference, it is incumbent upon applicants to establish criticality of that difference. Ex parte Khusid, Bezgodova, and Ruben, 174 USPQ 59 (Bd. Pat. App. & Int. 1971).

### ***Allowable Subject Matter***

Claims 2 and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In regards to claim 2, the prior art does not, either alone or in combination, disclose or adequately suggest the steps of forming a maraging stainless steel into a shaver blade before carrying out plasma nitriding at a temperature within the range of 300°C to 380°C. The previously applied art of Perkash in view of Laurence et al. ('375) does not recite the claimed sequence of processing steps or the formation of a maraging stainless steel blade.

In regards to claim 13, the prior art does not, either alone or in combination, disclose or adequately suggest the steps of forming a maraging stainless steel into a shaver cap before carrying out plasma nitriding at a temperature within the range of

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300°C to 380°C. The previously applied art of Perkash in view of Laurence et al. ('375) does not recite the claimed sequence of processing steps or the formation of a maraging stainless steel cap.

### ***Response to Arguments***

Applicant's arguments filed 21 January 2009 have been fully considered but they are not persuasive.

First, the Applicant primarily argues that Laurence et al. ('375) fails to disclose or suggest forming maraging stainless steel into a shaver part.

In response, the Examiner notes that one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Furthermore, the specification does not limit the definition of a "shaver part" to exclude materials such as a maraging stainless steel die or plates suggested by the combination of Perkash in view of Laurence et al. ('375).

Second, the Applicant primarily argues that Perkash in view of Laurence et al. ('375) does not disclose, or suggest "forming stainless maraging steel into the shaver part and plasma nitriding of the shaver part at a temperature between 300°C and 380°C" as recited in claim 1.

In response, the Examiner notes that the specification does not limit the definition of a "shaver part" to exclude materials such as a maraging stainless steel die or plates



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suggested by the combination of Perkash in view of Laurence et al. ('375) and thus there would be no distinction between the steps of claim 1 and the prior art.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jesse Roe whose telephone number is (571)272-5938. The examiner can normally be reached on Monday-Thursday and alternate Fridays 7:00 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Roy V. King can be reached on (571) 272-1244. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Roy King/  
Supervisory Patent Examiner, Art  
Unit 1793

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